01 succession / 44

1944

File No.

Legal Department

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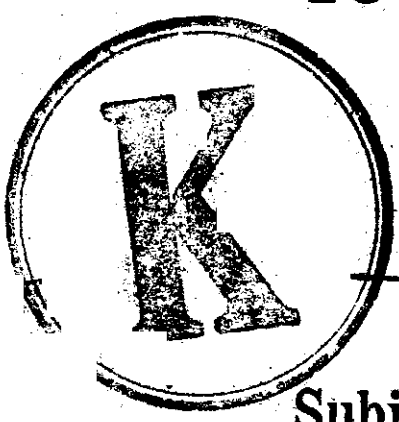

Subject:— Opinions under the Indian succession Act, 1925

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C O N T E N T S

Legal Department File No. O. Succession /44

Sr. No.	R. I. / O. No.	Subject-	Pages.
		Opinions under the Indian Succession Act, 1925.	
1.	35 / 4-1-44	Sec. 213 Re: Probate and letters of Administration effect of	1-2
2.	236 / 14-1-44	Re: Succession certificate which is necessary in a suit by a ~~Hx~~ son to recover money of his deceased father.	3-4

Mjr/11/7
5 Cs.

Office of the R.L.A.

Section 283 of the Indian Succession Act, 1925, Provides that probat. or letter of administration shall have effect over all property and estate moveable or immoveable of ~~xxxxxx~~ the deceased throughout the Province in which the same is or are granted and shall be conclusive as to the representative title against all debtors of the deceased and all persons holding property which belongs to him and shall afford full indemnity to all debtors, paying their debts and all persons delivering up such property to the person to whom such probate or letters of administration have been granted. Mr. K.D. Mehta who is requesting the return of the certificates and other documents attached by the deceased Mrs. Nancy Meharally Rana to her application made to the Surgeon General, has obtained a probate of her will and consequently that probate affords indemnity to all persons delivering up the property of Mrs. Rana to Mr. Mehta. It appears that these certificates and other documents are of no use to Government. In the circumstance it appears that there is no objection to the Surgeon General returning them to Mr. Mehta.

Sd/- P.N.M.
3/1/44

Remembrancer of Legal Affairs.

U.R. to G.D., No 35 dated the 4th January 1944.

Mir // 11/7

4 Cs.

Office of the R.L.A.

A succession certificate is necessary in a suit by a son to recover money of his deceased father. But no such certificate is necessary to recover money to which the Plaintiff becomes entitled by survivorship (Mulla's Hindu Law, 9th edition pp. 440 441). It is not known whether in the present case Mr. B.V. Angol, son of the late Rao Bhadur Angol has become entitled to the rent by survivorship. If he has become so entitled, no sucession certificate can be insisted on and the rent may be paid to him on taking an idemnity bond from him. If not no payment can be validly made unless and until Mr. B.V. Angol produces a succession certificate.

Id/- P.N.M.
13/1/44

Remembrancer of Legal Affairs.

U.R. to H.D. No. 296, dated the 14th January 1944

Kjr /11/6

4 Cs.